

## CASE CLOSEOUTS FROM JULY 1, 1998, TO OCTOBER 31, 2012

The Litigation Division defends the County and other Self-Insurance Fund members in legal actions alleging constitutional and common law torts, employment discrimination, medical malpractice, ADA and IDEA violations, workers' compensation claims and challenges to County laws.

The following summarizes the disposition of 1,732 liability cases that were closed by the Litigation Division from July 1, 1998, through October 31, 2012.

Disposition	Number of Cases (FY 2013)	Number of Cases (Cumulative)	% of Cases (FY 2013)	% of Total Cases (Cumulative)
Voluntary Dismissal	1	206	6%	12%
Resolution by Motion	3	591	18%	34%
(Motion to Dismiss)	3	404	18%	23%
(Motion for Summary Judgment)	0	187	0%	11%
Defense Verdict/Judgment	6	242	35%	14%
Plaintiff Verdict/Judgment	1	102	6%	6%
Settled	6	591	35%	34%
<b>Total</b>	<b>17</b>	<b>1732</b>	<b>100%</b>	<b>100%</b>

## Explanation of Categories

Voluntary Dismissal. Plaintiffs sometimes voluntarily dismiss their cases. They do this for a variety of reasons: we file a dispositive motion against which they decide they will be unsuccessful, new facts come to light that make their success appear unlikely, or other unknown reasons.

Resolution by Motion. A motion is a request (generally in writing) to the court seeking to have the court dismiss a case or render judgment for the moving party. Motions generally contain legal argument in support of the resolution being sought. The two most common motions are motions to dismiss and motions for summary judgment.

Defense Verdict/Judgment. Judgment at trial before a judge or jury that finds in favor of the defense.

Plaintiff Verdict/Judgment. Judgment at trial before a judge or jury that finds in favor of the plaintiff.

Settlement. The parties agree that payment of some funds should be made to the plaintiff to resolve the case and conclude it.

Favorable Outcome. Any case that results in a judgment or verdict in favor of Montgomery County or another Self-Insurance defendant is considered to have a favorable outcome. We also consider any case to have a favorable outcome where we attempted to settle, the plaintiff rejected our offer of settlement, the judge/jury finds in favor of the plaintiff, but awards a figure lower than our last offer.

### **SELECTED LITIGATION ACTIVITIES**

<b>Month</b>	<b>New Lawsuits</b>	<b>Closed Cases</b>
January 2011	4	11
February 2011	5	3
March 2011	16	3
April 2011	16	10
May 2011	13	3
June 2011	10	8
July 2011	13	12
August 2011	12	8
September 2011	8	4
October 2011	6	17
November 2011	8	15
December 2011	6	10
January 2012	7	9
February 2012	8	17
March 2012	11	12
April 2012	10	2
May 2012	12	4
June 2012	6	13
July 2012	8	3
August 2012	17	6
September 2012	10	7
October 2012	7	1